

AMENDED IN SENATE MAY 14, 2003
AMENDED IN SENATE APRIL 21, 2003
AMENDED IN SENATE APRIL 7, 2003

SENATE BILL

No. 892

Introduced by Senator Murray
(Coauthors: Senators Kuehl, Romero, Soto, and Vincent)
(Coauthors: Assembly Members Diaz, Lieber, Longville, and Yee)

February 21, 2003

An act to add Section 35292.5 to the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Murray. Public school restrooms.

Existing law provides for the maintenance and repair of school facilities by school districts.

This bill would find and declare that every public school pupil has a fundamental right to attend a safe and clean school in which restroom facilities are available, safe, and clean.

This bill would require every school in a school district, *as a condition of receipt of state from the State School Fund*, to have restroom facilities that are open at all times during school hours, maintained and cleaned regularly, fully operational, and stocked at all times with soap and paper supplies. ~~The bill would require each city or county health department to develop a plan for regular inspections of the school restroom facilities in its jurisdiction to ensure compliance with these standards. The bill would authorize a pupil, the parent or guardian of a pupil, or a school employee to request an inspection of any school restroom facility be conducted by the appropriate local health~~

~~official.~~ To the extent that this bill imposes additional duties on school districts, ~~and by increasing the duties of city and county health officials,~~ the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35292.5 is added to the Education Code,
2 to read:

3 35292.5. (a) *The Legislature hereby finds and declares that*
4 *every public school pupil has a fundamental right to attend a safe*
5 *and clean school in which restroom facilities are available, safe,*
6 *and clean. Therefore, school districts as a condition of the receipt*
7 *of state apportionments, shall use state allocations in part to*
8 *ensure that those pupil rights are protected.*

9 (b) Notwithstanding paragraph (3) of subdivision (f) of Section
10 118505 of the Health and Safety Code, *as a condition of the receipt*
11 *of apportionments from the State School Fund,* every restroom
12 facility in each school in a school district shall be open at all times
13 during school hours, maintained and cleaned regularly, fully
14 operational, and stocked at all times with toilet paper, soap, and
15 paper towels or hand dryers, and contain the minimum number of
16 fixtures, as required by the State Architect pursuant to existing law.

17 ~~(b) To ensure compliance with the standards set forth in~~
18 ~~subdivision (a), each city or county health department shall~~
19 ~~develop a plan for regular inspections of the school restroom~~
20 ~~facilities in its jurisdiction.~~

1 ~~(c) A pupil, parent or guardian of a pupil, or school employee~~
2 ~~may request an inspection of any school restroom facility be~~
3 ~~conducted by the city or county health department that has~~
4 ~~jurisdiction over the geographical area in which the schoolsite is~~
5 ~~located.~~

6 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
7 ~~Code, if the Commission on State Mandates determines that this~~
8 ~~act contains costs mandated by the state, reimbursement to local~~
9 ~~agencies and school districts for those costs shall be made pursuant~~
10 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
11 ~~2 of the Government Code. If the statewide cost of the claim for~~
12 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
13 ~~reimbursement shall be made from the State Mandates Claims~~
14 ~~Fund.~~

